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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,466	01/26/2001	Hiroshi Matsuda	35.C15057	5463

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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2624

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,466

Applicant(s)

MATSUDA, HIROSHI

Examiner

Thierry L Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Request for Corrected Filing date of Foreign Priority date have been acknowledged and corrected.

1. Responsive to Unsigned Declaration has been received/acknowledged and entered as paper no. 3.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Owa et al (U.S. 6348971).

Regarding claim 1, Owa discloses an image output control apparatus (host computer, fig. 1) connected to plural image output devices (plurality of printers, fig. 1) through communication media, capable of controlling to output images of predetermined input data using the plural image output devices (host computer for controlling plurality of printers that are connected via a communication network, fig. 1), comprising:

- (1) selection means (printer selection means, fig. 7) for selecting the plural image output devices for outputting images (monochrome pages of document print by the printer 31c and color pages of document print by printer 31a, fig. 7);
- (2) obtaining means (printer state management means for obtaining conditions of plurality of printers, fig. 7) for obtaining output media information (i.e., paper size and type of each printers, figs. 3-4 and 9a) stored in each the image output device of the plural image output devices selected by said selection means;
- (3) judgment means (printer information retention means for retaining/judging printer information, figs. 3-4, 9-15, col. 18, lines 18-24) judging whether or not the plural image output devices selected by said selection means store the same-sized output media (i.e. fig. 9a shows plurality of different printers with different sized output media and/or same sized media, A4/A3/B4, fig. 9a) on the basis of the output media information obtained by said obtaining means; and
- (4) notification means (notifying and transmitting printer's information via a communication network, fig. 2 and figs. 3-4, cols. 4-6) for notifying a judgment result obtained by said judgment means.

Regarding claim 2, Owa further discloses an apparatus according to claim 1, further comprising a display for displaying information regarding the image output devices, and said notification means displays a warning message (warning message, col. 5, lines 8-25 and col. 6, lines 50-60) on the display when said judgment means judged that the plural image output devices selected by said selection means do not have the same-sized output media (figs. 3-4, col. 6, lines 50-65).

Regarding claim 3, Owa further discloses an apparatus according to claim 2, wherein it is controlled to cancel selection (CANCEL button, fig. 12b) to be executed by said selection means when said judgment means judged that the plural image output devices selected by said selection means do not have the same-sized output media.

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Regarding claim 4, Owa further discloses an apparatus according to claim 1, wherein said judgment means judges whether or not the plural image output devices selected by said selection means have the same-sized and the same-kind output media (paper size and type, col. 4, lines 15-40) on the basis of the output media information.

Regarding claim 5, Owa further discloses an apparatus according to claim 4, further comprising a display for displaying information regarding the image output devices (figs. 3-4), and said notification means displays a warning message on the display when said judgment means judged that the plural image output devices selected by said selection means do not have the same-sized and the same-kind output media (col. 5, lines 8-25 and col. 6, lines 50-60).

Regarding claim 6, Owa further discloses an apparatus according to claim 5, wherein it is controlled to cancel selection (CANCEL button, fig. 12b) to be executed by said selection means when said judgment means judged that the plural image output devices selected by said selection means do not have the same-sized and the same-kind output media.

Regarding claim 7, Owa further discloses an apparatus according to of claim 1, further comprising input means (print data generation section, fig. 2) for inputting image data obtained by reading originals, and it is possible to control that the plural image output devices can output images of image data inputted by said input means.

Regarding claims 8-14: Claims 8-14 are the method claims corresponding to the apparatus claims 1-7 (respectively). The method claims are inherent and included by the operation of the apparatus claims. Please see claims rejection basis/rationale as described in claims 1-7 above.

5. Regarding claim 15: Claim 15 corresponds to claims 1-7 and/or combination thereof except computer readable memory medium for storing program is claimed rather than printing system or data output apparatus. All computers have some type of computer readable memory medium (storage section, fig. 8) for storing computer program, hence claim 15 would be rejected using the same rationale as in claims 1-7 and/or combination thereof.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

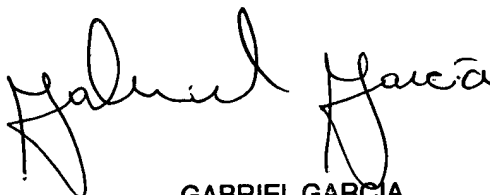
(1) U.S. 2001/0052995 to Idehara, teaches similar features as claimed by the applicant's invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER